

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
5:09-CR-216-FL

UNITED STATES OF AMERICA

v.

DANIEL PATRICK BOYD, et al.,

Defendants.

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**ORDER**


This case comes before the court sua sponte. It appears that a difference has arisen among the parties regarding whether the court's protective order on sensitive but unclassified ("SBU") discovery materials (D.E. 188, as amended by D.E. 202) prohibits the practice of temporarily storing SBU discovery materials at facilities at which defendants are housed to facilitate the defendants' review of such materials as part of preparation of their cases for trial. Whether or not this practice is permitted could conceivably have a material impact on the efficiency and pace of preparation of this case for trial, particularly in light of the volume of SBU evidence at issue.

IT IS THEREFORE ORDERED that any defendant seeking relief with respect to the storage of SBU discovery material at detention facilities, including any proposed amendments to the protective order, shall file a motion and supporting memorandum no later than 9 August 2010. Counsel sharing the same position may file a joint motion and memorandum. Any motion filed pursuant to this Order shall contain a certification that moving counsel has conferred with opposing counsel in a good faith effort to resolve the issues presented without court intervention. The government shall file its response to any motions no later than 10:00 a.m. on 16 August 2010. In the event the court determines that argument on any motions would facilitate its determination of the

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issues presented, counsel shall be prepared to present argument at the 17 August 2010 status conference on any motions filed.

SO ORDERED, this the 30th day of July 2010.



James E. Gates  
United States Magistrate Judge